

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

*IN RE PORK ANTITRUST LITIGATION*

This Document Relates To:

ALL ACTIONS BROUGHT BY DIRECT  
ACTION PLAINTIFFS

Civil No. 18-cv-1776 (JRT/HB)

**DEFENDANT TRIUMPH FOODS,  
LLC'S ANSWER TO DIRECT ACTION  
PLAINTIFFS' CONSOLIDATED  
COMPLAINT**

**JURY TRIAL DEMANDED**

Defendant Triumph Foods, LLC (“Triumph”), by and through its undersigned counsel, respectfully submits its Answer to the Direct Action Plaintiffs’ (“DAPs”) Consolidated Complaint, Dkt. 1659 (“Complaint”):<sup>1</sup>

**I. INTRODUCTION<sup>2</sup>**

Triumph states that the first paragraph of the Introduction contains recitations of the Court’s orders and instructions that require no response; to the extent a response is required, Triumph states that the Court’s orders and instructions speak for themselves and denies any language to the contrary contained in this paragraph. Footnote 1 of the Complaint defines “Plaintiffs” and requires no response. The second and third paragraphs of the Introduction contain legal assertions that require no response; to the extent a response is required, Triumph states that the U.S. Code, the Federal Rules of Civil Procedure, and the rules and procedures of the Judicial Panel on Multidistrict Litigation speak for themselves and govern the DAPs’

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<sup>1</sup> “DAPs” refers collectively to each of the named plaintiffs identified in ¶ 23-80 of this Complaint.

<sup>2</sup> Triumph includes the headings from DAPs’ Complaint in its Answer for convenience only and does not construe them, and does not believe they are intended to be construed, as allegations necessitating a response. To the extent they are intended as allegations, they are denied.

procedural rights with respect to this case. Footnote 2 of the Complaint contains legal assertions that require no response; to the extent a response is required, Triumph states that the case law cited therein speaks for itself and Triumph denies any assertion contrary to or unsupported by those cases. The fourth paragraph of the Introduction contains descriptive language of the Complaint that requires no response.

## **II. CHART OF DIRECT ACTION PLAINTIFFS, DEFENDANTS AND CAUSES OF ACTION**

Triumph states that the “Chart of Direct Action Plaintiffs, Defendants and Causes of Action” contains no substantive allegations and requires no response.

## **III. NATURE OF ACTION**

1. Triumph denies the allegations in this paragraph as to Triumph. Triumph states that Footnote 3 attempts to define “pork” to include various things including “processed products and by-products.” Triumph denies that DAPs may so define the term “pork” for reasons set forth by the Court. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph or in Footnote 2 and therefore denies the same.

2. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

3. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

4. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

5. Triumph admits that it was a participant in certain of Agri Stats' products for a certain period of time. Triumph denies the remaining allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

6. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

7. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

8. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

9. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

10. Triumph denies the allegations in this paragraph as to Triumph. Triumph states that Footnote 4 contains Plaintiffs' definition of the word "conspiracy" and requires no response; however, Triumph denies that it has engaged in any "conduct actionable under the causes of action asserted against Defendants." Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

11. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

12. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

13. This paragraph contains legal conclusions such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

14. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

15. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

16. Triumph denies that Plaintiffs state a claim and/or are entitled to any of the relief requested or otherwise. Triumph denies any remaining allegations in this paragraph.

17. Triumph denies that Plaintiffs state a claim and/or are entitled to any of the relief requested or otherwise. Triumph denies any remaining allegations in this paragraph.

#### **IV. JURISDICTION AND VENUE**

18. Triumph denies that Plaintiffs state a claim and/or are entitled to any of the relief requested or otherwise. Triumph denies any remaining allegations in this paragraph.

19. Triumph does not dispute that this Court has subject matter jurisdiction in this matter. Triumph denies any other allegations in this Paragraph.

20. Triumph does not dispute that venue is appropriate in this District. Triumph denies any remaining allegations in this Paragraph.

21. Triumph does not dispute that this Court has personal jurisdiction over Triumph in this matter. Triumph denies any other allegations in this Paragraph.

22. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

## V. PARTIES

### A. Plaintiff Groups<sup>3</sup>

23-80. In response to Paragraphs 23 – 80, Triumph denies that any of the DAPs “sustained injury and damage as a proximate result of the antitrust violations alleged in this Complaint” as each DAP uniformly alleges. Triumph denies that any antitrust violations have been committed or that DAPs have sufficiently stated a claim. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

81. This paragraph contains legal conclusions and/or Plaintiffs’ general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

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<sup>3</sup> Listed by monikers used to identify groups of DAPs in this Complaint.

## **B. Defendants**

### **(1) Agri Stats**

82. Triumph admits that it was a participant in certain Agri Stats products for certain years of the “Conspiracy Period” and provided Agri Stats with certain information as a participant. Triumph denies all remaining allegations in this Paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

83. Triumph denies all allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

### **(2) Clemens**

84. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

85. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

86. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

### **(3) Hormel**

87. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

88. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

89. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(4) JBS**

90. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(5) Seaboard**

91. Triumph denies all allegations in this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(6) Smithfield**

92. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(7) Triumph**

93. Triumph admits that it is an LLC with a principal place of business in St. Joseph, Missouri. Triumph admits that it was a participant in certain Agri Stats reports until approximately 2017, and it provided Agri Stats with certain information as a participant. Triumph denies the remaining allegations in this paragraph.

**(8) Tyson**

94. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

95. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

96. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

97. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

98. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

## **VI. CO-CONSPIRATORS**

99. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

100. Triumph admits that Daily's Premium Meats, LLC is a Delaware LLC headquartered in Kansas City, Missouri. Triumph admits that it has held a 50% non-majority interest in Daily's Premium Meats since approximately September 2014. Triumph admits that since September 2014, Seaboard and Triumph have each held (directly or indirectly) a 50% interest in Daily's and that as of September 2014, Daily's board of directors was made up of four directors appointed by Seaboard, consisting of Seaboard or Seaboard Corporation employees, and four directors appointed by Triumph, consisting of employees of Triumph or employees of LLC members of Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

101. Triumph admits that it owns a non-majority 50% interest in Seaboard Triumph Foods, which is an LLC headquartered in Sioux City, Iowa. Triumph denies the remaining allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

102. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

103. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

## **VII. TRADE AND COMMERCE**

104. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

105. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

## **VIII. THE IMPORTANCE OF AGRI STATS TO THE UNLAWFUL CONSPIRACY ALLEGED IN THIS COMPLAINT**

106. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

### **A. Agri Stats Markets its Collusive Scheme to Pork Producers**

107. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

108. Triumph admits that it was a participant in certain Agri Stats reports until approximately January 2017, and that it provided certain information to Agri Stats as a participant. Triumph denies the remaining allegations of this paragraph as to Triumph. Triumph

is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

109. Triumph denies the allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

110. Triumph states that the cited source is the best evidence of its contents and denies any allegation inconsistent therewith. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

111. Triumph states that the cited source is the best evidence of its contents and denies any allegation inconsistent therewith. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

112. Triumph states that the cited source is the best evidence of its contents and denies any allegation inconsistent therewith. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

113. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without knowledge sufficient to admit or deny the remaining allegations in this paragraph and therefore denies same.

114. Triumph denies the allegations in this paragraph regarding Triumph, and Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**B. Agri Stats Knowingly Provided Packer/Processor Defendants and Co-Conspirators With the Ability to Monitor and Enforce Their Collective Restriction of the Pork Supply, and to Discipline Co-Conspirators For Not Complying With the Conspiracy**

115. Triumph denies the allegations in this paragraph regarding Triumph, and Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

116. Triumph states that the alleged but uncited communications quoted or referenced in this paragraph speak for themselves and are the best evidence of their contents, to the extent they exist, and Triumph denies any allegations herein that are inconsistent or out of context therewith. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

117. Triumph admits that it participated in certain Agri Stats reports at certain times, and provided certain information to Agri Stats as a participant. Triumph denies the remaining allegations of this paragraph as to Triumph. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

118. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

119. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

120. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

121. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

122. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

123. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

124. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

125. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph denies all allegations in this paragraph.

126. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph denies all

allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

127. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

128. Triumph admits that certain Agri Stats employees periodically met with Triumph employees. Triumph denies the remaining allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

129. Triumph admits that certain Agri Stats employees periodically met with Triumph employees. Triumph denies the remaining allegations of this paragraph as to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

130. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

131. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

132. Triumph states that the cited source is the best evidence of its contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph lacks

sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

133. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

134. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

135. Triumph admits that it was a participant in certain Agri Stats studies until approximately January 2017. Triumph states that the “books” referred to herein are the best evidence of their contents and denies all allegations in this paragraph inconsistent or out of context therewith. Triumph denies all remaining allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

136. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

137. Triumph denies all allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

138. Triumph states that any quoted or screen-shot sources (some cited here, some not) are the best evidence of their contents and Triumph denies any allegations inconsistent or out of

context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

139. Triumph states that the sources referred to in this paragraph are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

140. Triumph states that any quoted or screen-shot sources (not cited here) are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

141. Triumph states that whatever emails are referenced in this paragraph are the best evidence of their contents, and Triumph denies any allegations inconsistent or out of context therewith. Triumph is without sufficient information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

142. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph regarding Seaboard and therefore denies the same. Triumph admits that there is a June 7, 2013 email from Rick Hoffman in which this quote appears along with several other statements and text. Triumph states that this email speaks for itself and is the best evidence of its contents, and denies all allegations inconsistent or out of context therewith. Triumph denies all remaining allegations in this paragraph, and specifically denies that the spreadsheet referenced in the email identified in this paragraph identifies, or even speculates as to, any of Triumph's competitors. Deposition of Ricci (Rick) Hoffman (April 26, 2022), 121:2-124:1.

143. Triumph first states that the heading in Figure 5, “A Partially De-Anonymized Agri Stats Report (Triumph),” is only that – a DAP-invented heading – and does not appear in any document referenced herein; Triumph denies DAPs’ characterization of the document referenced. Triumph admits that the document with beginning bates label SBF0459029 is a February 11, 2015 email from Matt—not “Max”—England to employees of Triumph and Seaboard with the subject “RE: Margin Management Meeting.” Triumph admits that Mr. England’s email attached a document that contains multiple tables (more than two as alleged). Triumph states that the email and attached document referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph denies all allegations inconsistent or out of context therewith. Triumph admits that the tables identified Triumph’s and Seaboard’s processing plants. Triumph denies all remaining allegations in this paragraph. *See, e.g.*, SBF0459029 (“Note – the parenthetical assignment of plant names is purely my guesswork ... I could be wrong on the assignments.”); England Dep. Tr. at 150:11-19 (“So the Agri Stats reports would have listed the participants in the report, and for the reports that I believe Triumph and Seaboard received, Triumph and Seaboard would have been identified, but otherwise, these would be guesses. And to be totally transparent, you probably know better than I do whether they are even right.”).

144. Triumph admits that there is a May 13, 2015 email from Matt England to Gary Louis (SBF0490482) that contains the quoted statement in addition to many other statements and text. Triumph states that this email speaks for itself and is the best evidence of its contents and denies all allegations inconsistent or out of context therewith. Triumph admits that certain of its employees created summaries that included, but were not limited to, Agri Stats data at certain points in time and sometimes shared these summaries with certain employees at Seaboard.

Triumph denies that any of these summaries “deanonymized” participants in Agri Stats reports. Triumph denies all remaining allegations in this paragraph.

145. Triumph states that the alleged analysis referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

146. Triumph states that any quoted or screen-shot sources (some cited here, some not) are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

147. Triumph states that any quoted sources (none cited here) are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

148. Triumph states that any referenced sources (none cited here) are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

149. Triumph denies any allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

150. Triumph denies any allegations in this paragraph as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

151. Triumph is without information sufficient to admit or deny Plaintiffs' general, uncited description of "economic theory" and denies same. Triumph denies the allegations in this paragraph.

152. Triumph states that the alleged testimony referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

153. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

154. Triumph states that the alleged declaration referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

155. Triumph states that the quoted source is the best evidence of its contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

156. Triumph denies the allegations in this paragraph.

## **IX. THE MARKET FOR THE PRODUCTION AND SUPPLY OF PORK WAS CONDUCIVE TO COLLUSION**

157. Triumph denies the allegations in this paragraph.

**A. Pork is a Commodity Product With Inelastic Demand**

158. Triumph denies the allegations in this paragraph.

159. Triumph states that the sources cited here are the best evidence of their contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph denies all allegations herein as to Triumph. Triumph denies all remaining allegations of this paragraph.

160. Triumph states that the cited source is the best evidence of its contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

161. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**B. The Packer/Processor Defendants and Co-Conspirators Controlled the Supply of Pork in the United States, Which Allowed the Conspiracy to Succeed**

162. Triumph states that the website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

163. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

164. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

165. Triumph states that the cited source in this paragraph is the best evidence of its contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph denies all allegations herein as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

166. Triumph denies the last sentence of this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph, which are generalized, and therefore denies the same.

167. Triumph denies all allegations in this paragraph or the figures and sources related to or as to Triumph, including but not limited to the statement in Figure 8 that Triumph is accurately listed as a “Farrow-Feeder, Feeder-Finish” or the implication that Triumph is in any way a hog producer. Triumph otherwise is without sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies the same.

168. Triumph states that the cited source in this paragraph is the best evidence of its contents and Triumph denies any allegations inconsistent or out of context therewith. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

169. Triumph states that the public filings referenced in this paragraph speak for themselves and are the best evidence of their contents. Triumph admits that Seaboard sold pork that was produced in Triumph’s plant. Triumph denies all other allegations in this paragraph as

to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

170. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

171. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

172. Triumph admits that its LLC members include or have included Christensen Farms, The Hanor Company, New Fashion Pork, TriOak Foods, Eichelberger Farms, and Allied Producers Cooperative. Triumph denies the remaining allegations in this paragraph.

173. Triumph states that the alleged public filing referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

174. Triumph states that the alleged public filings referenced in this paragraph speaks for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

175. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

176. Triumph denies the allegations in this paragraph insofar as they pertain to Triumph, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

177. Triumph denies the allegations in this paragraph insofar as they pertain to Triumph, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

178. Triumph denies the last sentence of this paragraph. Triumph denies that it sells pork products. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**C. The Market For the Production and Sale of Pork Was Concentrated**

179. Triumph denies the first sentence of this paragraph. Triumph does not understand the confusingly worded third sentence of this paragraph, but to the extent it alleges the existence of a conspiracy or Triumph's involvement therein, it is denied. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

180. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph, and therefore denies the same.

181. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph or Figure 9, and therefore denies the same.

182. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

183. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

184. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

185. Triumph admits that it is a 50% owner of Seaboard Triumph Foods, which operates a processing plant that opened in 2017. Triumph denies all other allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

186. Triumph is unaware as to the meaning of “Market Share” and therefore lacks sufficient knowledge or information to admit or deny this allegation, and thus denies same. Triumph denies all other allegations in this paragraph or Figure 11 as to Triumph. Triumph lacks sufficient knowledge or information to admit or deny the remaining allegations of this paragraph and therefore denies same.

187. Triumph denies the first and third sentences of this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

188. Triumph denies the allegations in this paragraph.

189. The quoted source is the best evidence of its contents and Triumph denies all allegations herein inconsistent or out of context therewith. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

190. Triumph notes that Figure 12 appears to represent that Triumph had “slaughter capacity” in 2005, the year before Triumph began operations in 2006, which is absurd. Triumph denies all allegations as to Triumph in this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**D. There Were Barriers to Entry in the Market For Packing And Processing**

191. Triumph admits that Seaboard Triumph Foods' processing plant cost approximately \$330 million to launch. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**X. SELECT TRADE ASSOCIATIONS FACILITATED COLLUSION**

192. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without information or knowledge sufficient to admit or deny the remaining allegations of this paragraph and therefore denies same.

193. Triumph denies the allegations in this paragraph as to Triumph. Triumph is without information or knowledge sufficient to admit or deny the remaining allegations of this paragraph and therefore denies same.

194. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

195. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

196. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

197. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

198. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

199. Triumph states that the websites referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

200. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

201. Triumph states that the alleged agenda referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

202. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

203. Triumph is without sufficient knowledge or information to admit or deny the allegations regarding statements made by Smithfield CEO Larry Pope and therefore denies the same. Triumph denies the remaining allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies same.

204. Triumph states that the alleged testimony and article referenced in this paragraph speak for themselves and are the best evidence of their contents. Triumph denies the allegations

in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

205. Triumph states that the letter referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

206. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

207. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

208. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

209. Triumph admits that it has been a member of AMI and then NAMI and, that Mark Campbell and Rick Hoffman have served on the Boards of Directors of AMI and/or NAMI, but Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

210. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

211. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient

knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

212. Triumph states that the alleged presentations referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

213. Triumph states that the alleged presentations referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

214. Triumph states that the alleged website referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

215. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

216. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

217. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

218. Triumph states that the alleged promotional materials referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise

without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**XI. DEFENDANTS AND CO-CONSPIRATORS IMPLEMENTED COLLUSIVE ANTICOMPETITIVE CAPACITY AND PROCESSING RESTRICTIONS**

**A. Overview of the Restriction of the Pork Supply During the Conspiracy**

219. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

220. Triumph states that the article quoted herein is the best evidence of its contents and denies allegations to the contrary. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

221. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

222. Triumph denies the allegations in this paragraph and Figure 13 pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

223. Triumph states that the alleged article referenced in this paragraph speaks for itself and is the best evidence of its contents. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

224. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

225. Triumph denies the allegations in this paragraph and Figure 14 pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

226. Triumph states that the alleged documents referenced in this paragraph and footnote speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

227. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

228. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

229. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

230. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**(1) Smithfield**

231. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

232. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

233. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

234. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

235. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

236. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

237. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

238. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

239. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(2) Tyson**

240. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

241. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

242. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

243. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(3) JBS**

244. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

245. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

246. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(4) Hormel**

247. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

248. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

249. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(5) Seaboard**

250. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

251. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

252. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

253. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

254. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

255. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

256. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

257. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(6) Triumph**

258. Triumph admits that Christensen Farms is a member of Triumph. Triumph states that the two cited sources are the best evidence of their contents and speak for themselves, and Triumph denies all allegations relating to or purporting to describe them. Triumph denies the remaining allegations in this paragraph.

**(7) Clemens**

259. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

260. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(8) Co-Conspirators Indiana Packers**

261. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

262. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

263. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**B. Timeline of the Conspiracy**

264. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

265. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

266. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

267. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

268. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

269. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

270. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

271. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

272. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

273. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

274. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

275. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

276. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

277. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

278. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

279. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

280. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

281. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

282. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

283. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

284. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

285. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

286. Triumph states that the public filing referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

287. Triumph states that the alleged email and testimony referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

288. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

289. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

290. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

291. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

292. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

293. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

294. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

295. Triumph states that the public filing referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

296. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

297. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

298. Triumph admits that it has a marketing agreement (predating the alleged conspiracy) with Seaboard under which hogs processed by Triumph are marketed by Seaboard. Triumph denies the allegations in the second and fourth sentences of this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies same.

299. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

300. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

301. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

302. Triumph states that the alleged article referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph otherwise is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

303. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

304. Triumph states that the alleged testimony referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

305. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

306. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

307. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

308. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

309. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

310. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

311. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

312. Triumph states that the alleged press release referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

313. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

314. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

315. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

316. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

317. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

318. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

319. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

320. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

321. Triumph denies the allegations in this paragraph and footnote pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

322. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

323. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

324. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

325. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

326. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

327. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

328. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

329. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

330. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

331. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

332. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

333. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

334. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

335. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

336. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

337. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

338. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

339. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

340. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

341. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

342. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

343. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

344. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

345. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

346. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

347. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

348. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

349. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

350. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

351. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

352. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

353. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

354. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

355. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

356. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

357. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

358. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

359. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

360. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

361. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

362. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

363. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

364. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

365. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

366. To the extent this paragraph alleges that Brad Freking is or was an employee of Triumph or represented Triumph during the conversation alleged herein, it is denied. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

367. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

368. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

369. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**XII. ABNORMAL PRICING DURING THE CONSPIRACY DEMONSTRATES THE SUCCESS OF THE CONSPIRACY**

370. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**(a) The Average Hog Wholesale Price Experienced an Unprecedented Increase Beginning in 2009**

371. Triumph states the USDA publications referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

372. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**(b) The pork cut-out composite price experienced a dramatic increase in 2009 and continuing throughout the Conspiracy Period**

373. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

374. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

**(c) The Packer/Processor Defendants and Co-Conspirators' Revenues Increased Beginning in 2009, Even Taking Into Account Their Specific Costs**

375. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

376. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

377. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

378. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

**XIII. THE CONSPIRACY WAS EFFECTIVE IN INCREASING THE PRICE OF PORK SOLD TO PLAINTIFFS AND OTHERS IN THE UNITED STATES**

379. Triumph denies the allegations in this paragraph.

380. Triumph denies the allegations in the first and second sentences of this paragraph as unrealistic and simplistic. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

381. Triumph denies the allegations in this paragraph pertaining to Triumph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

382. Triumph denies the last sentence of this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

383. Triumph states that the alleged Bureau of Labor Statistics data referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

384. Triumph states that the alleged Bureau of Labor Statistics data referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

385. Triumph states that the alleged Bureau of Labor Statistics data referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

386. Triumph states that the alleged Bureau of Labor Statistics data referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

387. Triumph states that the alleged Bureau of Labor Statistics data referenced in this paragraph speaks for itself and is the best evidence of its contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

## **XIV. PLAINTIFFS' CLAIMS ARE TIMELY**

### **A. American Pipe Tolling**

388. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

389. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in the last sentence of this paragraph. Triumph is without sufficient knowledge or information to admit or deny the remaining allegations in this paragraph and therefore denies the same.

390. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

### **B. Fraudulent Concealment**

391. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

392. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

393. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

394. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

395. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

396. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

397. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

398. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

399. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

400. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

401. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

402. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

403. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

404. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

405. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

406. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

407. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

408. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

409. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

410. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

411. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

412. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

413. Triumph denies any allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

414. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

415. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

416. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

417. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

418. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

419. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

420. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

421. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

422. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

423. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

424. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

425. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

426. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

427. Triumph states that the complaints referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

428. Triumph states the alleged article, complaint, and public filings referenced in this paragraph speak for themselves and are the best evidence of their contents, and Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

429. Triumph denies the allegations in this paragraph.

430. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

431. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

432. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

433. Triumph denies that it could “identify individual firm information in the Agri Stats reports.” Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

434. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

435. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

436. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

437. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

438. Triumph is without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

439. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

440. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

441. Triumph denies the allegations in this paragraph.

442. Triumph denies the allegations in this paragraph.

443. Triumph denies the allegations in this paragraph, including that a conspiracy existed at all, much less was not “disbanded.”

444. This paragraph contains legal conclusions and/or Plaintiffs’ general characterizations of its claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

445. This paragraph contains legal conclusions and/or Plaintiffs’ general characterizations of its claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

446. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of its claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

447. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of its claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

448. Triumph lacks sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

449. This paragraph contains legal conclusions and/or Plaintiffs' general characterizations of its claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

## **XV. CLAIMS FOR RELIEF AND CAUSES OF ACTION**

450. Triumph incorporates by reference its responses in the preceding paragraphs.

### **COUNT I – VIOLATION OF 15 U.S.C. § 1**

451. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of case law and the Sherman Act, such that no response is required, but to the extent a response is required, Triumph admits that the allegations in this paragraph quote a portion of the language from *Northern Pac. Ry. Co. v. United States*, 356 U.S. 1, 4 (1958) and *NCAA v. Alston*, 141 S. Ct. 2141, 2144 (2021). Triumph states that these cases, and the Sherman Act itself, speak for themselves and are the best evidence of their contents, and Triumph refers to the entirety of the cases and the Sherman Act for their contents and meaning.

452. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of case law and the Sherman Act, such that no response is required, but to the extent a response is

required, Triumph admits that the allegations in this paragraph quote a portion of the language from *Business Elecs. Corp. v. Sharp Elecs. Corp.*, 485 U.S. 717, 731-32 (1988) and *Mandeville Island Farms v. Am. Crystal Sugar Co.*, 334 U.S. 219, 236 (1948). Triumph states that these cases, and the Sherman Act itself, speak for themselves and are the best evidence of their contents, and Triumph refers to the entirety of the cases and the Sherman Act for their contents and meaning.

453. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of case law and the Sherman Act, such that no response is required, but to the extent a response is required, Triumph admits that the allegations in this paragraph quote portions of the language from *United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 222 (1940) and *Apex Hosiery Co. v. Leader*, 310 U.S. 469, 495, 497 (1940). Triumph states that these cases, and the Sherman Act itself, speak for themselves and are the best evidence of their contents, and Triumph refers to the entirety of the cases and the Sherman Act for their contents and meaning.

454. Triumph denies the allegations in this paragraph.

455. Triumph denies the allegations in this paragraph.

456. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

457. Triumph denies all allegations in this paragraph pertaining to Triumph. Triumph is otherwise without sufficient knowledge or information to admit or deny the allegations in this paragraph and therefore denies the same.

458. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

459. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

#### **COUNT II – VIOLATION OF THE PACKERS AND STOCKYARD ACT**

460. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of case law and the Packers and Stockyards Act, such that no response is required, but to the extent a response is required, Triumph denies that Plaintiffs' characterization of the Packers and Stockyards Act is accurate and complete. Triumph states that these cases, and the Packers and Stockyards Act itself, speak for themselves and are the best evidence of their contents, and Triumph refers to the entirety of the cases and the Packers and Stockyards Act for their contents and meaning. Triumph denies that the Packers and Stockyards Act provides DAPs with a private right of action. Triumph denies any remaining allegations in this paragraph.

461. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph is without sufficient information to admit or deny the allegations in this paragraph and therefore denies the same.

462. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of the Packers and Stockyards Act, such that no response is required, but to the extent a response is required, Triumph refers to the entirety of this section and the Packers and Stockyards Act as a whole for their contents and meaning. Triumph denies any further allegations in this paragraph.

463. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of the Packers and Stockyards Act and its enacting regulations, such that no response is required, but to the extent a response is required, Triumph admits that the allegations in this paragraph quote portions of 9 C.F.R. § 201.69, and Triumph refers to the entirety of the regulation and the Packers and Stockyards Act as a whole for their contents and meaning.

464. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of the Packers and Stockyards Act and its enacting regulations, such that no response is required, but to the extent a response is required, Triumph admits that the allegations in this paragraph quote portions of 9 C.F.R. § 201.70, and Triumph refers to the entirety of the regulation and the Packers and Stockyards Act as a whole for their contents and meaning.

465. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of the Packers and Stockyards Act and its enacting regulations, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

466. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

467. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

468. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

469. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

470. This paragraph contains legal conclusions and/or Plaintiffs' characterizations of the Packers and Stockyards Act, such that no response is required, but to the extent a response is required, Triumph admits that the allegations in this paragraph purport to paraphrase portions of 7 U.S.C. § 209, and Triumph refers to the entirety of the section and the Packers and Stockyards Act as a whole for its contents and meaning.

471. This paragraph contains legal conclusions and/or Plaintiffs' recitation of the purported elements of their claims, such that no response is required, but to the extent a response is required, Triumph denies the allegations in this paragraph.

## **XVI. PRAYER FOR RELIEF**

A. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

B. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

C. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

D. Triumph denies that Plaintiffs are entitled to any of the relief sought herein or otherwise.

## **XVII. JURY TRIAL DEMANDED**

Triumph demands a jury trial on issues so triable.

Dated: January 20, 2023

Respectfully submitted,

/s/ Christopher A. Smith

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Aaron Chapin (#0386606)  
Christopher A. Smith (*pro hac vice*)  
Tessa K. Jacob (*pro hac vice*)  
A. James Spung (*pro hac vice*)  
Jason Husgen (*pro hac vice*)  
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